

By: Alonzo

H.B. No. 570

Substitute the following for H.B. No. 570:

By: Herrero

C.S.H.B. No. 570

A BILL TO BE ENTITLED

AN ACT

relating to issuance of a magistrate's order for emergency protection.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Articles 17.292(d) and (j), Code of Criminal Procedure, are amended to read as follows:

(d) The victim of the offense need not be present ~~[in court]~~ when the order for emergency protection is issued.

(j) An order for emergency protection issued under this article is effective on issuance, and the defendant shall be served a copy of the order by the magistrate in person or electronically.

The magistrate shall make a separate record of the service in written or electronic format ~~[open court]~~. An order for emergency

protection issued under Subsection (a) or (b)(1) of this article remains in effect up to the 61st day but not less than 31 days after the date of issuance. An order for emergency protection issued under Subsection (b)(2) of this article remains in effect up to the 91st day but not less than 61 days after the date of issuance. After notice to each affected party and a hearing, the issuing court may modify all or part of an order issued under this article if the court finds that:

(1) the order as originally issued is unworkable;

(2) the modification will not place the victim of the offense at greater risk than did the original order; and

1           (3) the modification will not in any way endanger a  
2 person protected under the order.

3           SECTION 2. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2013.